

## Part B State Annual Performance Report (APR) for FFY 2008

### Overview of the Annual Performance Report Development:

The Rhode Island Department of Education (RIDE) first compiled and analyzed data for the development of the Annual Performance Report (APR)/State Performance Plan (SPP) utilizing the expertise of internal personnel. A draft along with the data was reviewed with the Rhode Island Special Education Advisory Committee (RISEAC). RISEAC advises the Commissioner and Board of Regents for Elementary and Secondary Education on matters concerning: (a) the unmet educational needs of children with disabilities; (b) comments publicly on any rules or regulations proposed by the State regarding the education of children with disabilities; (c) advises the Rhode Island Department of Education in developing evaluations and reporting on data to the Secretary under section 618 of the IDEA; (d) advises the RIDE in developing corrective action plans to address findings identified in Federal Monitoring Reports under Part B of the IDEA; and (e) advises the RIDE in developing and implementing policies relating to the coordination of services for children with disabilities. Membership of the committee is composed of individuals involved in or concerned with the education of children with disabilities. Parents of children with disabilities birth through 26 maintain the majority of the Committee Membership. The Membership also includes individuals with disabilities, teachers, representatives of institutions of higher education, private schools, charter schools, state and local education officials, administrators of programs for children with disabilities, foster care and homelessness, vocational, community or business organizations, juvenile and adult corrections and State Child Serving Agencies. The SEAC reviewed the draft and provided suggestions and input. These were incorporated into the final copy of this document. Progress and slippage in meeting the targets in the SPP are discussed in detail in each indicator submitted to OSEP. All indicators are publicly available on the RIDE website at the following link:

[http://www.ride.ri.gov/Special\\_Populations/State\\_federal\\_regulations/Default.aspx](http://www.ride.ri.gov/Special_Populations/State_federal_regulations/Default.aspx).

Each year RIDE publicly reports per 34 CFR 300.602(b)(1)(i)(A). This year per OSEP, RIDE will publicly report on Indicators 1, 2, 3, 4A, 5, 8, 9, 10, 11, 12, 13, and 14. This, per OSEP, will occur no later than June 2, 2010. The link to access Rhode Island's public reporting information which details the performance of each LEA on the targets in the SPP is:

[https://www.eride.ri.gov/eride2K5/SPED\\_PublicReporting/](https://www.eride.ri.gov/eride2K5/SPED_PublicReporting/).

### Monitoring Priority: Effective General Supervision Part B / Child Find

**Indicator 11:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. (20 U.S.C. 1416(a) (3) (B))

#### Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

#### Actual Target Data for:

FFY	Actual	Rigorous Target
2007 (2007-2008)	64% (Baseline)	100%
2008 (2008-2009)	85%	100%

## Rhode Island

Rhode Island had incorrectly referred to FFY08 for school year 2007-2008; it should have been referred to as FFY07 for school year 2007-2008. For school year 2007-2008 FFY07 the compliance rate for the state of Rhode Island was only at 64%. For school year 2008-2009 FFY08 the compliance rate for the state of Rhode Island has climbed to 85%. Rhode Island did not reach its rigorous target of 100% for this indicator, but made substantial progress and had a 21% increase over the previous reporting year.

### ***Describe the method used to collect data:***

To meet this data requirement set by this indicator, Rhode Island modified the web-based eRIDE system to collect the following information annually:

1. Consent for Evaluation Date – this is the actual date the parents signed the consent form.
2. Receipt of Consent for Evaluation Date - this field was added for the first time this school year. This is the actual date the school district receives this form from the student's parents and does not penalize a school district or Local Education Agency if the parents delay returning the form to the school district Rhode Island uses this date for starting the 60 day calendar for completion of the evaluation and the eligibility determination. The 60 day timeline is based upon the actual number of calendar days and does not exclude weekends, holidays or school closures.
3. Eligibility Determination - Yes or No. 'Yes', a student was determined eligible for special education services or 'No', a student was determined not to be eligible for special education services at this time.
4. If the evaluation and eligibility were not completed within 60 days, then a reason for delay is required by the system.

Reports are generated on the eRIDE system to ensure accuracy and compliance. To ensure compliance, the system does a comparison between the current school year's (2008-2009) Special Education census database and the previous year's (2007-2008) Special Education census database. Any student who appears in the current Special Education census only and does not appear in the previous year's Special Education census is listed on a maintenance report. All students who appear on the maintenance report must be accounted for by entering the appropriate information into the Special Education Initial Evaluation system.

The data from the Special Education Initial Evaluation system reflects all children in Rhode Island who were evaluated and determined eligible for an Individual Education Plan and all students who were evaluated and determined not eligible during FFY 2008 (2008-2009). The data that were entered into the database were input by trained personnel. The federal and state definition for 60 day timeline based on the actual calendar number of days until a determination has been made is the criteria used by the system to ensure compliance.

### **Children Evaluated Within 60 Days (or State-established timeline):**

a. Number of children for whom parental consent to evaluate was received	2138
b. Number of children whose evaluations were completed within 60 days (or State-established timelines)	1812
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	84.75%

Account for children included (a) but not included in (b): See Table 11.1a and Table 11.1b.

Indicate the range of days beyond the timeline and provide reasons for the delays:

The range of days beyond the timeline is from 61 days to 602 days with the average being around 108 days. This applies to only those students who had a non-allowable exception. See Table 11.2 for those 326 students who had non-allowable exceptions and what the number were for each of these exceptions. Please note: Students whose eligibility determination has not been completed by the time of the data collection are then carried forward into the next school year. Therefore, a student could be recorded on the system just before the data is collected and that student will be carried over into the next school year and the number of days until the determination date could exceed 365 days (or one year).

**Table 11.1a is for illustrative purposes only, to enable the viewer to easily compare last year's data with this year's data. Formula: Percent = [(b + c) divided by (a)] times 100. In this Table b and c are listed separately. In the new formula in Table 11.1b b & c are combined.**

<b>Table 11.1a - Children Evaluated Within 60 Days: For School Year 2008-2009</b>	
<b>a. # of children for whom parental consent to evaluate was received.</b>	2544
<b>A1) minus allowable exceptions</b>	-406
	2138
<b>b. # determined not eligible whose evaluations and eligibility determination were completed within 60 days</b>	370
<b>c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days.</b>	1442
<b>Children included in a but not included in B or C.</b>	326
<b>370 + 1442 = 1812</b>	
<b>1812 divided by 2138 = .8475</b>	
<b>.8475 times 100 = 84.75%</b>	
<b>Formula: Percent = b + c divided by a times 100.</b>	
<b>Percent of children with parental consent to evaluate, who were evaluated within 60 calendar days for school year 2008-2009</b>	<b>85%</b>

**Table 11.1a illustrates the following:**

**2,544** is the Total Number of Children for whom parental consent to evaluate was received.

**406** is the Total Number of Children that had allowable exceptions (See Table 11.2 for breakdown of exceptions).

**2,138** is the Total Number of Children for whom parental consent to evaluate was received and were awaiting determination for eligibility (minus the Total Number of Children who had allowable exceptions).

**370** Children who were determined not eligible and the eligibility was determined with 60 calendar days.

**1,442** Children who were determined eligible and eligibility was determined within 60 calendar days.

**326** is the Total Number of Children who exceeded the 60 day timeline and whose exceptions/reasons for delay were not allowed.

**85%** (84.75% is rounded up to 85%) is the percent of children with parental consent to evaluate, who were evaluated with 60 calendar days for FFY08 school year 2008-2009. For FFY07 School Year 2007-2008, Rhode Island's rate of compliance on this Indicator 11 was 64%.

Table 11.1b – the formula has changed to Percent = [(b) divided by (a)] times 100.

<b>Table 11.1b - Children Evaluated Within 60 Days: For School Year 2008-2009</b>	
<b>a. # of children for whom parental consent to evaluate was received.</b>	<b>2544</b>
<b>a1) minus allowable exceptions</b>	<b>-406</b>
	<b>2138</b>
<b>b. # of children whose evaluations were completed within 60 days</b>	<b>1812</b>
<b>Children included in a but not included in B.</b>	<b>326</b>
<b>1812 divided by 2138 = .8475</b>	
<b>.8475 times 100 = 84.75%</b>	
<b>Formula: Percent = b divided by a times 100.</b>	
<b>Percent of children with parental consent to evaluate, who were</b>	
<b>evaluated within 60 calendar days for school year 2008-2009</b>	<b>85%</b>

**Table 11.1a** illustrates the following:

**2,544** is the Total Number of Children for whom parental consent to evaluate was received.

**406** is the Total Number of Children that had allowable exceptions (See Table 11.2 for breakdown of exceptions).

**2,138** is the Total Number of Children for whom parental consent to evaluate was received and were awaiting determination for eligibility (minus the Total Number of Children who had allowable exceptions).

**1812** is the Total Number of Children whose evaluations were completed within 60 calendar days. This includes those 370 children who were determined not eligible and those 1442 children who were determined eligible.

**326** is the number of children who had non-allowable exceptions and exceeded the 60 calendar day timeline.

**85%** (84.75% is rounded up to 85%) is the percent of children with parental consent to evaluate, who were evaluated with 60 calendar days for FFY08 school year 2008-2009. For FFY07 School Year 2007-2008, Rhode Island's rate of compliance on this Indicator 11 was 64%.

<b>Table 11.2 # of Cases that Exceeded the 60 Day Initial Evaluation Timeline &amp; Allowable and Non- Allowable Exceptions</b>	<b>Total Allowable Exceptions</b>	<b>Total Non-Allowable Exceptions</b>
<b>-*Child Transitioning from Early Intervening 0 to 3 years old system, referral made at 90 day transition conference, Evaluation Completed by third birthday.</b>	31	
-Evaluation Completed/IEP team meeting scheduling conflict		75
<b>-*Excessive student absences and/or hospitalization with Medical Documentation</b>	24	
-Extensive observation needed		5
-Eye issues (student needs testing and/or reading glasses		
-Need time to determine student's dominant language		
-Not enough staff/staff schedules/increases in staff caseloads		71
-Other	25	85
-Parent did not have transportation		3
<b>-*Parent did not return phone calls</b>	90	
<b>-*Parent request for delay</b>	173	
-Parent schedule conflict		16
-Requests for additional outside evaluation in order to determine eligibility		24
<b>-School closures (holiday/weather/emergency)</b>	60	26
-Staff illness		13
<b>-*Student moved/withdrew from school (moved-out of school district)</b>	3	
-Student refusal		2
-Trial placement for diagnostic purposes to determine eligibility		6
-NECAP/RIAA testing (statewide assessment)		
-Student not available due to school activities		
<b>Total Exceptions:</b>	<b>406</b>	<b>326</b>

Rhode Island's regulations governing the Education of children with Disabilities cite the following exceptions for not meeting the 60 calendar timeline:

(d) *Exception.* The procedures and timeframe described in paragraph (c) of this section do not apply to a public agency if —

- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.

(e) The exception in paragraph (d) (2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agrees to a specific time when the evaluation will be completed.

RIDE provides an extensive list of Exceptions for not meeting the timeline. This list is to provide LEAs with more information as to why the timelines are not being met. And, the list affords the LEAs more information to be able to address the real issue/problem.

**Rhode Island provides this guidance sheet to LEAs, which specifically spells out the timelines.**

***Guidelines for Local Education Agencies\****

Rhode Island Department of Education Office for Diverse Learners

Timelines for Referral, Evaluation (Initial and Reevaluation), Eligibility,  
and IEP Development/Implementation

***Referral***

10 school days	The public agency must conduct a meeting of the Evaluation Team within 10 school days of the receipt of a referral to determine whether a special education evaluation is needed. The Evaluation Team is comprised of qualified professionals and the parent, including members described in §300.321.
10 school days	If an evaluation is needed, it must start no later than 10 school days after the receipt of parental consent to evaluate. (Should the parent not notify the agency of his/her consent within 5 school days, the agency must document its efforts to obtain consent. Should parental consent not be obtained within 15 school days, the Evaluation Team must reconvene.)  If it is determined that an initial evaluation is not needed, the evaluation team shall consider referring the student's case back to general education for appropriate action.

***Evaluation/Eligibility/IEP***

60 calendar days	Within 60 calendar days of parental consent to evaluate:  Child must be evaluated and a written Evaluation Team report provided.  An Eligibility Team meeting must be convened to determine whether the child has a disability and is in need of special education and related services. The Eligibility Team is comprised of qualified professional and the parent.
15 school days	If determined eligible, an IEP meeting convening members described in §300.321-322, must be conducted and an IEP developed within 15 school days.
10 school days	Following the development of the IEP, special education and related services must be made available in accordance with the IEP as soon as possible, but not later than by 10 school days.

***Reevaluation***

60 calendar days	The public agency must conduct reevaluations and determine continued eligibility, and, when eligibility continues, make available continued services in accordance with timelines and provisions of reevaluation and evaluation procedures in § 300.303-311.
Not more than 1x per year	Reevaluation limitations: May not occur more than once per year, unless the parent and public agency agree otherwise; and

Every 3 years must occur at least once every 3 years, unless the parent and public agency agree that a reevaluation is unnecessary.

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\*These guidelines are intended to assist public agencies with implementation of *Regulations Governing the Education of Children with Disabilities* adopted on December 19, 2007 by the Rhode Island Board of Regents for Elementary and Secondary Education and effective July 1, 2008. References regarding these timelines can be found in Regulations §300.300, § 300.301, §300.303 - §300.311, §300.321, and §300.323.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:**

A field was added to the database 'Receipt of Consent for Evaluation Date'. This field was added so that a school district or local education agency would not be penalized if the *Consent to Evaluate* form was taken home by the parents or guardian and sent back to the school district at a later date. School districts and local education agencies were instructed to date stamp the consent form as soon as they received it. The 60 day timeline started from the actual date of receipt. In addition, written guidance was sent to each school district and local education agency on exactly which exceptions were allowable. Technical assistance was provided in the guidance to explain specific circumstances where an allowable exception could be made for certain types of cases.

In cases where school districts and local education agencies percentage rate of compliance on Indicator 11 was below 79%, they were invited to a mandatory workshop. At the workshop these school districts and local education agencies were presented with the data they submitted for this indicator and afforded an opportunity to discuss their data and were given an opportunity to correct any discrepancies. This group reviewed their Corrective Action Plan from the previous year and submitted a Corrective Action Plan that would improve their compliance with this indicator for the next school year.

School districts and local education agencies whose percentage rate of compliance on this indicator was 80% to 99%, reviewed their Corrective Action Plan that they had submitted to RIDE the previous year and had to submit a Corrective Action Plan to improve their compliance with this indicator.

School districts and local education agencies, whose percentage rate of compliance on this indicator was 100%, were congratulated and asked to review their Corrective Action Plan.

All school districts were required to submit a Corrective Action Plan. Rhode Island Department of Education ensured that all referred students were evaluated and an eligibility determination was made. At the end of each school year, any students whose Initial Evaluation has not yet been determined are carried over into the next school year. This ensures that every student is accounted for and a determination is completed.

As a result of the technical assistance and revised Corrective Action Plans, the state had substantial increase from 64% to 85% compliance. 18 LEAs have reached 100% compliance.

State Improvement Activities	Timelines	Results of the Activity	Impact of the Activity
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<p>1. The Rhode Island Department of Education, Office for Diverse Learners and the district/local educational agency engage in ongoing data analysis and review that provides a picture of the present status of programs and services for students with disabilities. The School Support System (SSS) not only looks at the LEAs degree of compliance with special education laws and regulations, but also the relationships among the district/educational setting's teaching and learning practices and the outcome indicators for students with disabilities. The process includes a review of qualitative and quantitative data sources that have the most direct relationship with student performance and program effectiveness. This data review always includes a review of the LEAs federal funding application which in Rhode Island, is referred to as the Consolidated Resource Plan or CRP as well as a review of the LEA's State Performance Plan/Annual Performance Plan data and any improvement plans that are related to SPP/APR indicators.</p>	Ongoing	Positive	The School Support System process affords RIDE another opportunity to check/verify the LEA's timeline policies and procedures via record reviews/document review and on-site monitoring.
<p>Rhode Island Department of Education reviews and updates the eRIDE Special Education Initial Evaluation system and documentation to ensure the system becomes more effective and efficient. Districts are encouraged to provide feedback on what reports work and what reports need to be modified. Reports are modified or created to assist districts in keeping within the 60 day timeline.</p>	Ongoing and annually.	Positive.	This is effective as it affords the districts who work with this information an opportunity to suggest what will work for them.
<p>The Data Manager and Systems Programmer provide technical assistance to all districts via phone calls and online assistance in order to improve data.</p>	Ongoing	Positive.	This is very effective as it resolves issues and provides a clearer understanding at both the state level and the district on what needs improvement.
<p>Data is collected annually at the completion of a school year. The data is then reviewed by the</p>	Annually	Positive	This is very effective as it affords the school districts the opportunity to once

## Rhode Island

<p>Rhode Island Dept of Education staff. For any district whose compliance rate is below 80%, the district is required to attend a workshop. At this workshop the district data is reviewed, discussed, and any discrepancies are modified. At this workshop, districts are required to review their district's Corrective Action Plan and make modifications that will address their district's issue of non-compliance for the next school year.</p>			<p>again review their data, review their Corrective Action Plan.</p>
<p>Verification of the data. Check the student's record in the current Special Education census with the previous Special Education census and flag students who appear in the current census only and those students must be accounted for in the current Special Ed Initial Evaluation system.</p>	<p>Ongoing.</p>	<p>Positive.</p>	<p>This ensures that LEAs account for students on this system.</p>
<p>Issue LEA-level reports on determinations and timelines with recommendations for each LEA on areas of needed improvement to meet compliance. Send out a memorandum to all LEAs stressing the importance of the regulatory requirements for this indicator.</p>	<p>Annually</p>	<p>Positive.</p>	<p>This ensures the LEAs stay focused on the importance of this data.</p>
<p>Continue to develop, maintain and refine database to meet timeline for determining eligibility.</p>	<p>On Going.</p>	<p>Positive.</p>	<p>This ensures the system is updated and refined to meet the reporting needs. This also meets the needs of the LEAs.</p>

**Correction of Noncompliance Identified in FFY 2007:**

For FFY07 School Year 2007-2008, Rhode Island had incorrectly cited FFY08 for School Year 2007-2008. This was cited by Patricia J. Guard Acting Director of Office of Special Education Programs in her letter to Commissioner Peter McWalters. On this issue of non-compliance, Rhode Island had mistakenly referred to FFY08 when referencing school year 2007-2008. Rhode Island should have referenced FFY07 when referencing school year 2007-2008.

**Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: \_64%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	<b>37</b>
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>18</b>
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>19</b>

**Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	<b>18</b>
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>18</b>
6. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

FFY 07 School Year 2007-2008			FFY 08 School Year 2008-2009		
Table 11.3a			Table 11.3a		
# LEAs Submitting Data	41		# LEAs Submitting Data	42	
# LEAs With 100% Compliance	5	12%	# LEAs With 100% Compliance	18	43%
# LEAs With 90% to 99%	3	7%	# LEAs With 90% to 99%	7	17%
# LEAs with 70% to 89.9%	13	31%	# LEAs with 70% to 89.9%	11	26%
# LEAs Below 70%	19	46%	# LEAs Below 70%	6	14%

**Actions Taken if Noncompliance Not Corrected:**

*Not Applicable.*

**Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable):**

*Not Applicable.*

**Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
<p>The State's FFY07 reported data for this indicator; however, it did not provide valid and reliable data for this indicator. These data are not valid and reliable because the State reported data from FFY 2008. Therefore; OSEP could not determine whether the State met its target.</p>	<p>Rhode Island had incorrectly referred to FFY08 for school year 2007-2008; it should have been referred to as FFY07 for school year 2007-2008. For school year 2007-2008 FFY07 the compliance rate for the state of Rhode Island was only at 64%. For school year 2008-2009 FFY08 the compliance rate for the state of Rhode Island has climbed to 85%.</p>
<p>The State reported that 37 of 50 LEAS were out of compliance on this indicator.</p>	<p>The state has 50 LEAS that report to the State. However, not all 50 LEAS would necessarily have initial evaluations to report annually.</p> <ul style="list-style-type: none"> <li>a) Of these 50, there are <u>10</u> charter schools. whose population is relatively small and therefore have a smaller population of students who may need an initial evaluation. That relatively small number may or may not have any students who are evaluated within the year for an initial evaluation. Also, most all of these students were previously students at local public school district where their initial had been determined.</li> <li>b) RI School for the Deaf is a school for students who are Deaf or Hard of Hearing and those students were originally determined eligible in the school district in which they reside. Therefore, the RI School for the Deaf does not have any students to report.</li> <li>c) Dept of Corrections Under §300.102 Federal Register, August 14, 2006, 34 CFR Parts 300 and 301, it states that "the obligation to make FAPE available to all children with disabilities does not apply with respect to the following: (2)(i) Children aged 18-21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students who in their last educational placement prior to their incarceration in an adult correctional facility (a) were not actually identified as being a child with a disability. Children aged 18-21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students who in their last educational placement prior to their incarceration in an adult correctional facility (a) were not actually identified as being a child with a disability.</li> <li>d) Dept of Children, Youth and Families (DCYF) works in collaboration with the local school district in which the student resides for the initial evaluation process.</li> <li>e) New Shoreham is a very small school district, is an island with a very small student population and may or may not have any students who have an initial evaluation annually.</li> </ul>

**Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):**

No revisions with Justification to improvement Activities to report.